

**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

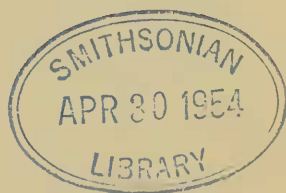
**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

**VOLUME 4, Part 5. Pp. 51—62.**

**OPINION 215**

Emendation to *Palaeoneilo* of the generic name *Palaeaneilo*  
Hall, 1869 (Class Pelecypoda)



**LONDON :**

Printed by Order of the International Trust for  
Zoological Nomenclature  
and

Sold on behalf of the International Commission on Zoological  
Nomenclature by the International Trust at its Publications Office  
41, Queen's Gate, London, S.W.7  
1954

**Price Four Shillings and Sixpence**

*(All rights reserved)*

# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 215

### A. The Officers of the Commission

*President* : Dr. Karl Jordan, Ph.D., F.R.S. (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*).

*Vice-President* : Dr. James L. Peters (*Museum of Comparative Zoology, Cambridge, Massachusetts, U.S.A.*).

*Secretary* : Mr. Francis Hemming, C.M.G., C.B.E. (*London, England*).

### B. The Members of the Commission

#### Class 1949

Senor Dr. Angel CABRERA (*La Plata, Argentina*).

Mr. Francis HEMMING (*London, England*) (*Secretary to the Commission*).

Dr. Karl JORDAN (*British Museum (Natural History), Zoological Museum, Tring, Herts, England*) (*President of the Commission*).

Dr. Th. MORTENSEN (*Universitetets Zoologisk Museum, Copenhagen, Denmark*).

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*).

#### Class 1952

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*).

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*).

Professor Lodovico di CAPORACCO (*University of Parma, Italy*).

Professor J. R. DYMOND (*University of Toronto, Canada*).

Dr. James L. PETERS (*Museum of Comparative Zoology, Cambridge, Massachusetts, U.S.A.*) (*Vice-President of the Commission*).

Dr. Harold E. VOKES (*United States Geological Survey, Washington, D.C., U.S.A.*).

#### Class 1955

Professor Dr. Hilbrand BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*).

Dr. William Thomas CALMAN (*Tayport, Fife, Scotland*).

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*).

Professor Béla HANKÓ (*University of Debrecen, Hungary*).

Dr. Tadeusz JACZEWSKI (*Polish Zoological Museum, Warsaw, Poland*).

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, Princeton, New Jersey, U.S.A.*).

### C. Alternate Members of the Commission at the Session held in Paris in 1948

Professor Enrique BELTRÁN (*Instituto Mexicano de Recursos Naturales Renovables A.C., Mexico City, Mexico*).

Dr. Edward HINDLE (*Zoological Society of London, London, England*).

Dr. Arturo Ricardo JORGE (*Museu Bocage, Lisbon, Portugal*).

Professor Harold KIRBY (*University of California, Berkeley, California, U.S.A.*).

Dr. Henning LEMCHE (*Kgl. Veterinær- og Landbohøjskole, Zoologisk Laboratorium, Copenhagen, Denmark*).

Professor Kamel MANSOUR (*King Fouad University, Cairo, Egypt*).

Professor Z. P. METCALF (*North Carolina State College of Agriculture and Engineering, University of North Carolina, Raleigh, North Carolina, U.S.A.*).

Mr. N. D. RILEY (*British Museum (Natural History), London, England*).

Professor Ragnar SPÄRCK (*Universitetets Zoologisk Museum, Copenhagen, Denmark*).

Professor Victor van STRAELEN (*Institut Royal des Sciences Naturelles de Belgique, Bruxelles, Belgium*).

Professor Robert L. USINGER (*University of California, Berkeley, California, U.S.A.*).

## OPINION 215

### EMENDATION TO "PALAEONEILO" OF THE GENERIC NAME "PALAEANEILO" HALL, 1869 (CLASS PELECYPODA)

**RULING** :—(1) It is "évident" that the spelling of the generic name *Palaeaneilo* Hall, 1869 (Class Pelecypoda) was a "faute d'orthographe", and the spelling of this name should therefore be emended to *Palaeoneilo*.

(2) The generic name *Palaeoneilo* (emend. of *Palaeaneilo*) Hall, 1869 (gender of name: feminine) (type species, by original designation: *Nuculites constricta* Conrad (T.A.), 1842) is hereby placed on the *Official List of Generic Names in Zoology* as Name No. 649.

(3) The specific name *constricta* Conrad (T.A.), 1842, as published in the combination *Nuculites constricta*, is hereby placed on the *Official List of Specific Names in Zoology* as Name No. 27.

(4) The Invalid Original Spelling *Palaeaneilo* Hall, 1869, is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* as Name No. 27.

#### I.—THE STATEMENT OF THE CASE

On 19th January 1937 Dr. L. R. Cox (*British Museum (Natural History), London*) submitted an application to the International Commission on Zoological Nomenclature asking for the use of the Plenary Powers in order to emend to *Palaeoneilo* the generic name *Palaeaneilo* Hall, 1869. Commenting on this proposal in the covering letter (of the same date) with which the foregoing application was submitted to the Commission, Dr. Cox observed: "The question of the emendation of etymologically incorrect names is a difficult one, but in this case the name in question was emended by its own author and has not been adopted in its original form by a single subsequent writer". Dr. Cox's application, as

subsequently slightly expanded in the light of correspondence with the Secretary, was as follows :—

**Proposed Suspension of the “ Règles ” for “ Palaeaneilo ” Hall (J.), 1869 (Class Pelecypoda, Order Protobranchia)**

By L. R. COX, Sc.D.

(Assistant Keeper in the Department of Geology, British Museum (Natural History))

I beg to submit the following application to the International Commission on Zoological Nomenclature :—That Rule 19 be suspended in the case of the generic name *Palaeaneilo* J. Hall, 1869, *Prelim. Not. Lamellibr. Shells*, Pt. 2 and that the emended name *Palaeoneilo* be placed on the *Official List of Generic Names in Zoology*.

The genus “*Palaeaneilo*” was founded by J. Hall in 1869 in a pamphlet entitled “Preliminary Notice of the Lamellibranchiate Shells of the Upper Helderberg, Hamilton and Chemung Groups, with others from the Waverly Sandstones, Part 2”, distributed by the New York State Cabinet of Natural History. The generic name was intended to suggest that the genus was ancestral to the living genus *Neilo* Adams, [1854], *Proc. zool. Soc. Lond.* **20** (243) : 93, but it is spelt as above throughout Hall’s paper, occurring no fewer than fifteen times.

A further species belonging to the genus was described in 1873 in a paper by J. Hall and R. P. Whitfield (*23rd Ann. Rep. N.Y. State Cabinet* : 241) in which the emended name *Palaeoneilo* is introduced without comment. This emended form is used in all subsequent papers by Hall, and has been adopted by all subsequent authors, few of whom, probably, have been able to consult the rare pamphlet in which the genus was first described.

*Palaeoneilo* Hall is an important genus of Palaeozoic Lamellibranchia found in most parts of the world and much cited in the literature. The original form of the word, *Palaeaneilo*, cannot, however, be rejected as a *lapsus calami*, typographical error, or error in transcription, and so, by Article 19 of the International Rules, should be accepted as the valid name for this genus. I consider that this course would be most undesirable, both on etymological grounds, and because unnecessary confusion would result. It would therefore, in my opinion, be preferable for the International Commission to decide upon the official stabilisation of the form “*Palaeoneilo*”.

The type of this genus is *Nuculites constricta* Conrad (T.A.), 1842, *J. Acad. nat. Sci. Philad.* **8** : 249, pl. 15, fig. 8, that species having been so designated by Hall (J.), 1885, *Nat. Hist. New York* (Palaeontology)

5 (1) Lamellibranchiata 2 : xxvii. I recommend that the generic name *Palaeoneilo* (emended from *Palaeaneilo*) Hall, 1869, with the above species as type be added to the *Official List of Generic Names in Zoology*.

## II.—THE SUBSEQUENT HISTORY OF THE CASE

2. On receipt, the present application was given the Registered Number Z.N.(S.) 62. It had not been found possible to submit the present case to the International Commission by the time that the outbreak of war in Europe in September 1939 led to the evacuation of the records of the International Commission from London to the country as a precaution against the risk of destruction through air raids. The Secretariat in London was re-opened in 1942 and immediate steps were taken to establish the *Bulletin of Zoological Nomenclature* as a means for bringing to the attention of zoologists applications submitted to the International Commission for decision. Work was at once started on outstanding applications with a view to arranging for their publication in the newly established *Bulletin*. The present application was sent to the printer in October 1944.

3. Just before the present application was sent to the printer, there was an exchange of correspondence between the Secretary (Mr. Hemming) and the then President of the Commission (Dr. Karl Jordan) on the question whether, as considered by Dr. Cox, the use of the Plenary Powers would be needed in the event of the Commission deciding in favour of granting the application submitted by Dr. Cox, or whether such a decision could be taken by way of an interpretation of Article 19. The meaning to be attached to the provision (Article 19) which at that time governed the emendation of names raised questions of great difficulty. It was accordingly decided that the best course would be to issue at the appropriate time a notice of the possible use of the Plenary Powers in this case in the manner prescribed by the Ninth International Congress of Zoology, Monaco, 1913, since the issue of such a notice would not prejudice the view to be taken on the issue referred to above and would have the advantage that it would free the hands of the Commission to take

immediate action under the Plenary Powers, should it desire so to do. Moreover, the adoption of this procedure would avoid the further delay which would be inevitable if the Commission were to take the view that the grant of this application required the use of the Plenary Powers and if at that date the prescribed notice had not been issued.

4. Although, as explained in paragraph 2 above, the present application was sent to the printer in the autumn of 1944, difficulties arising from paper rationing, shortage of labour at the printing works and similar causes delayed its publication until 26th June 1946 (*Bull. zool. Nomencl.* 1 : 192).

5. The publication of Dr. Cox's application in the *Bulletin* elicited two comments, the first (in order of receipt) being by the late Dr. Th. Mortensen (*Universitetets Zoologiske Museum, Copenhagen*), who supported the action proposed, the second, by the Joint Committee on Zoological Nomenclature for Paleontology in America, which, by a vote of nine to two expressed itself as being opposed to the use of the Plenary Powers in this case but had not taken a stand as to how this case should, in its view, be decided under Article 19. These comments are reproduced in the two immediately following paragraphs.

6. *Comment by Dr. Th. Mortensen (Universitetets Zoologiske Museum, Copenhagen)*: In a letter dated 20th April 1947, Dr. Th. Mortensen indicated his support of the recommendation submitted by Dr. Cox by writing the word "Yes".

7. *Comment by the Joint Committee on Zoological Nomenclature for Paleontology in America*: The view of the Joint Committee on Zoological Nomenclature for Paleontology in America on this case was submitted in a letter dated 30th October 1947 from Dr. J. Brookes Knight (*Research Associate, United States National Museum, Washington, D.C., U.S.A.*), who at that time was Chairman of the Joint Committee. Enclosed with Dr. Knight's letter was an offprint of the paper by Cooper (G.A.) entitled "Concerning the authorship of the 'Preliminary notice of the lamellibranch shells of the upper Helderberg, Hamilton and Chemung groups,

etc., Part 2'” referred to in the penultimate paragraph of Dr. Knight's letter. The following is the text of that letter :—

On July 3rd 1947, the Chairman of the Joint Committee on Zoological Nomenclature for Paleontology in America submitted to the membership of the Committee for consideration and approval the following resolution :—

RESOLVED : That the Joint Committee on Zoological Nomenclature for Paleontology in America oppose the petition of Dr. L. R. Cox that the spelling of the name *Palaeoneilo* Hall, 1869, be emended to *Palaeoneilo* under suspension of the Rules. The Joint Committee is unable to see that any serious confusion would result if the provisions of Article 19 of the Rules be strictly enforced in this case.

The vote of the membership was 9 to 2 for approval, Romer, Simpson, Wells, Newell, Palmer, Moore, Keen, Reeside, and Knight voting in the affirmative. Stenzel was away and unable to vote. Those voting the affirmative made no significant comments. Frizzell in voting the negative wrote :

If we want “ stability and uniformity ” we certainly must follow established usage, and have that usage validated once and for all by the Commission.

Cooper opposes both the Resolution and Cox's petition, writing :

I oppose the resolution and Cox's petition because I believe this to be a case that was settled many years ago by James Hall himself. In the article in which *Palaeoneilo* appeared it was shown by me (Cooper, G. A., *Jour, Washington Acad. Sci.*, vol. 21, no. 18, 1931, pp. 459—467) to be a hastily thrown together set of descriptions full of typographical and other errors (p. 466). Hall corrected the spelling to *Palaeoneilo* in later more formal descriptions and I think his correction should stand.

Cooper did not circulate his comments to the membership of the Committee who appear to have been expressing their views on the general question of stabilising amended spellings of names under suspension of the *Règles* and specifically on *Palaeoneilo* only on the premises submitted by Cox.

If the Chairman may comment, he would disagree with Cooper's implication that Hall's position in amending to *Palaeoneilo* was in any way privileged. But on reading Cooper's paper of 1931 he finds several points that might very well influence the Commission's judgment as to the validity of one spelling or another under the *Règles* without suspension. For example, the original pamphlet was apparently anonymous, and there arises the question as to the validity under the *Règles* of any of the names published in it, whatever their orthography. Secondly, Cooper points out that the paper abounds with errors including typographical errors. Thus the Commission might hold that

there is sufficient evidence in the original publication of *Palaeaneilo* (if it adjudges it a valid publication) to make a *lapsus calami* or typographical error in orthography "évident". In this event the name could conceivably be amended without resorting to the Plenary Powers. It seems obvious that the Commission should take no action on Cox's petition until it has studied Cooper's paper referred to above and the significant publications introducing the names *Palaeaneilo* and *Palaeoneilo*. The premises as set forth in Cox's petition and presented to the Joint Committee are manifestly incomplete.

However, the Resolution passed by the Joint Committee is relevant in any case and is hereby transmitted to the Commission. It simply opposes suspension and advocates the enforcement of the *Règles* without specifying the result that enforcement would arrive at.

8. *Issue of Public Notices* : On 29th September 1947, a notice of the possible use, by the International Commission on Zoological Nomenclature, of its Plenary Powers in the present case was issued to the serial publications prescribed by the Ninth International Congress of Zoology, Monaco, 1913, in accordance with the arrangement agreed upon between the Secretary and the President in 1944 (paragraph 3). The publication of this notice elicited no objection to the action proposed.

### III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

9. The present case was considered by the International Commission on Zoological Nomenclature at the Thirteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 1730 hours. The following is an extract from the Official Record of the Proceedings of the International Commission (1) summarising the points made in the discussion at the foregoing meeting and (2) setting out the decision then reached by the Commission in regard to this case (Paris Session, 13th Meeting, Conclusion 36) (1950, *Bull. zool. Nomencl.* 4 : 399—400) :—

THE COMMISSION had under consideration an application (file Z.N.(S.) 62) submitted by Dr. L. R. Cox (British Museum (Natural History), London) asking the Commission to give a



ruling that the spelling of the generic name *Palaeaneilo* Hall (J.), 1869 (Class Pelecypoda, Order Protobranchia) should be amended to *Palaeoneilo* (Cox, 1946, *Bull. zool. Nomencl.* 1 : 192). Dr. Cox explained in his application that this generic name was intended to suggest that the genus so named was ancestral to the living genus *Neilo* Adams, 1854. The first part of this compound noun should therefore have been spelt “*Palaeo-*”. In fact however it was consistently spelt “*Palaea-*” in the paper in which the name was first published. The genus was of importance in the Palaeozoic Lamellibranchia and, in the submission of the applicant, it would be both objectionable on etymological grounds and calculated to cause confusion if the incorrect spelling used by Hall, when publishing this name, were allowed to stand. Dr. Cox accordingly asked that the required emendation should be authorised by the Commission under their Plenary Powers. Such action would give validity to the universal practice of specialists in the group concerned.

THE ACTING PRESIDENT (MR. FRANCIS HEMMING) said that two comments had been received in regard to this application : (1) from Commissioner Th. Mortensen (Denmark) supporting the action proposed ; (2) from Dr. J. Brookes Knight, Chairman of the Joint Committee on Zoological Nomenclature for Paleontology in America, stating that the Committee had adopted (by a majority of 9 to 2) a resolution opposing the use of the Plenary Powers in the present case, considering that this was a matter which should be determined by the ordinary provisions of the *Règles*. In his application Dr. Cox had taken the view that the result which he sought could not be attained through Article 19 and it was for this reason that he had asked the Commission to use their Plenary Powers. This was a matter however which must not be prejudged and which the Commission would need to consider before they examined the need for, or the desirability of, using the Plenary Powers in this case.

IN THE DISCUSSION which followed, the view was expressed that, having regard to the fact that the compound word selected for this generic name was intended to denote that this genus was regarded by its author as being ancestral to the living genus *Neilo* Adams, it was quite “*évident*” that the first portion of the compound word was based upon the Greek adjective *παλαιός*,

in exactly the same way as the 500 odd other generic names similarly formed. In these circumstances it was "évident" also that the spelling "Palaeaneilo" was incorrect and a "faute d'orthographe". In these circumstances the spelling should be corrected by the emendation of the name to "Palaeoneilo" under the provisions of Article 19. There was therefore no need to consider the portion of the application which related to the possible use of the Plenary Powers in this case.

THE COMMISSION agreed :—

- (1) that it was "évident" that the spelling of the generic name *Palaeaneilo* Hall, 1869 (Class Pelecypoda, Order Protobranchia) was a "faute d'orthographe" and therefore that the spelling of this name should be corrected by emending the name to *Palaeoneilo* under the provisions of Article 19 ;
- (2) to place the generic name *Palaeoneilo* Hall, 1869 (type species : *Nuculites constricta* Conrad (T.A.), 1842, by selection by Hall (1885)) on the *Official List of Generic Names in Zoology* ;
- (3) to place the trivial name *constricta* Conrad, 1842 (as published in the binominal combination *Nuculites constricta*) on the *Official List of Specific Trivial Names in Zoology* ;
- (4) to render an *Opinion* recording the decisions specified in (1) to (3) above.

10. The following are the original references for the names which appear in the decision set out in paragraph 9 above :—

*constricta*, *Nuculites*, Conrad (T.A.), 1842, *J. Acad. nat. Sci. Philad.* 8 : 249, pl. 15, fig. 8  
*Palaeoneilo* (emend. of *Palaeaneilo*) Hall, 1869, *Prelim. Not. lamellibr. Shells*, Part 2 : 6

11. Under the provisions relating to the *Official Index of Rejected and Invalid Generic Names in Zoology*, the International

Commission is required to place thereon every generic name which it either rejects under its Plenary Powers or declares to be invalid. In the present instance, the entry in this *Official Index*, under the foregoing provisions, of the Invalid Original Spelling *Palaeaneilo* Hall, 1869, was inadvertently omitted from the Official Record of the Proceedings of the International Commission. This omission has been rectified in the Ruling given in the present *Opinion*.

12. The gender of the generic name *Palaeoneilo* Hall, 1869, referred to in the decision quoted in paragraph 9 above, is feminine.

13. Attention is drawn to the fact that the Ruling given in the present *Opinion* was adopted by the International Commission on Zoological Nomenclature in the light of the provisions in the *Règles* at the time (1948) of its adoption and that that decision is unaffected by the substantial modifications in the provisions relating to the emendation of generic and specific names made by the Fourteenth International Congress of Zoology, Copenhagen, 1953, that Congress having afforded express protection to all decisions on this subject previously taken by the International Commission in relation to individual cases, irrespective of whether or not those decisions were in harmony with the revision of the *Règles* carried out in Copenhagen (1953, *Copenhagen Decisions zool. Nomencl.* : 45).

14. The decision relating to the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Fifth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 107).

15. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ;

Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

16. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

17. At the time of the adoption of the Ruling given in the present *Opinion* the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

18. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

19. The present *Opinion* shall be known as *Opinion Two Hundred and Fifteen* (215) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Seventh day of November, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**